

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Nestor Ortiz, Jr., individually and on Behalf  
of All Other Persons Similarly Situated,

Plaintiffs,

-against-

U.S.A. Exterminators, Inc., Phil Aron and  
John Does #1-10, Jointly and Severally,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: 08/04/08  
DATE FILED: 9/4/08

**STIPULATION TO EXTEND THE  
DEFENDANTS' TIME TO RESPOND TO  
THE SUMMONS AND COMPLAINT.  
TO SEPTEMBER 29, 2008**

Dk # 08-CV-6769 (Hellerstein, J.)

It is hereby stipulated by and between the parties to this action:

1. U.S.A. Exterminators Inc., misidentified in the caption and pleadings as "U.S.A. Exterminators, Inc.", Phil Aron and John Does #1-10, Jointly and Severally, ("Defendants") shall have until September 29, 2006 to file their response to the Summons and Complaint.
2. All statutes of limitations and/or time limits applicable to Fair Labor Standards Act or New York Labor Law claims that Plaintiffs and/or any potential opt-in plaintiffs could bring against Defendants are tolled for the period beginning on July 29, 2008 through and including September 29, 2008.
3. Except as to defenses related to defects in the service of the Summons and Complaint upon the Defendants, which defenses the Defendants hereby waive, the Plaintiffs agree that Defendants are not waiving any defense otherwise available to them, including, without limitation, any statutes of limitations defense with respect to any limitations period that expired prior to July 29, 2008, or will expire after September 29, 2008.

- 1 -

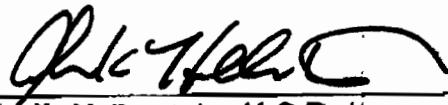
4. Execution of this document by facsimile shall have the same effect and force as if the document and signatures on it were original.

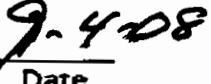
Dated: Carle Place, New York  
September 3, 2008

  
Robert S. Nayberg (RN-7566)  
The Scher Law Firm, LLP  
Attorneys for the Defendants  
One Old Country Road, Suite 385  
Carle Place, NY 11514  
Tel. (516) 746-5040

  
Jeffrey M. Gottlieb (JG-7905)  
Gottlieb & Associates  
Attorneys for the Plaintiffs  
150 East 18th Street, Suite PHR  
New York, NY 10003  
Tel. # (212) 228-9795

SO ORDERED

  
Alvin K. Hellerstein, U.S.D.J.

  
Date

OFFICIAL USA DISTRICT COURT FORM, NO. CV 87-60 (7-28-08) Regardless of participation in Bond USA Determinants/Time to Respond to E&C docs

- 2 -

09/03/2008 05:09 2129826284 THE SCHER LAW FIRM, LLP 5187479100 PAGE 03/03  
Sep 03 2008 16:06 JEFFREY GOTTLIEB